

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Monday, April 15, 2013
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:00 p.m.**

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: March 18-19, 2013
3. BPH Parole Suitability Hearings and Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

REPORTS AND PRESENTATIONS

5. Report from Executive Officer
 - Strategic Offender Management System (SOMS) Survey
 - Correspondence from Jacques Verduin, Director, Insight-Out
6. Report from Chief Counsel
 - Pre-Parole Residential Resource Listing

OPEN COMMENTS

7. BPH Commissioners - Agenda Items for Future Meetings
8. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

RECESS

BOARD OF PAROLE HEARINGS
Correctional Rehabilitation Programs Advisory Committee Meeting
Monday, April 15, 2013
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **1:30 p.m.**

Correctional Rehabilitation Programs Committee: The scope of this committee is to research and recommend a process for routinely obtaining and providing information to commissioners concerning correctional rehabilitation programs available to inmates sentenced to indeterminate terms. Members of this committee are Commissioners Figueroa, Labahn, Peck, Singh, and Montes, Chairperson.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Correctional Rehabilitation Programs Advisory Committee Meeting Minutes: December 11, 2012
3. Public Comment - Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

REPORTS AND PRESENTATIONS

4. Report from Executive Officer
5. Report from Chief Counsel
6. Report from Chairperson
 - Committee Goals
7. Introduction to the Office of Community Partnerships, presented by Jane Soria, Manager, Office of Community Partnerships, CDCR's Division of Adult Institutions
8. Timelist Group, a Self-Help Organization, presented by Andre L. Wiley, Sr. and Michael Prather, Founders, Timelist Group

OPEN COMMENTS

9. BPH Commissioners - Agenda Items for Future Meetings
10. Open Comment - Comments are limited to five minutes. The public may comment on any item related to committee business. The Board will not consider comments about future

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parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

ADJOURNMENT

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**BOARD OF PAROLE HEARINGS
Training Advisory Committee Meeting
Monday, April 15, 2013
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **3:00 p.m.**

Training Advisory Committee: The scope of this committee is to research and make recommendations for the Board's commissioner training program, including initial and continuing education. Members of this committee are Commissioners Anderson, Fritz, Garner, Turner, and Roberts, Chairperson.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Training Advisory Committee Meeting Minutes:
February 20, 2013
3. Public Comment - Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

REPORTS AND PRESENTATIONS

4. Report from Executive Officer
5. Report from Chief Counsel
6. Report from Chairperson

DISCUSSION ITEMS

7.
 - a) May Training Conference Agenda, Presented by Jerome Hessick, Staff Counsel
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

OPEN COMMENTS

8. BPH Commissioners - Agenda Items for Future Meetings
9. Open Comment - Comments are limited to five minutes. The public may comment on any item related to committee business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

ADJOURNMENT

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, April 16, 2013
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **9:00 a.m.**

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Discussion

1. *In re Brown et al.* (Case Nos. PV000533, PV000512, PV000712 & PV000722 [order granting motion to stay proceedings issued February 20, 2013]), presented by Jerome Hessick, Staff Counsel
2. *Valdivia v. Brown*, Case No. C-94-0671-LKK, (E.D. Cal.), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
3. *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK, (E.D. Cal.), presented by Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, April 16, 2013
OPEN SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **10:00 a.m.**

AGENDA

MEETING RECONVENED

EN BANC HEARINGS

1. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. SHAPARNIS, STANLEY	C-48558
County of Commitment: San Diego	

B. BREWER, BRIAN	V-98513
County of Commitment: Los Angeles	

C. DOMINGUEZ, LOUIS	F-96467
County of Commitment: Riverside	

D. JEWELL, DENNIS	D-46354
County of Commitment: San Bernardino	

2. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

E. GOOD, WILLIAM	J-01851
County of Commitment: Contra Costa	

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:

www.cdcr.ca.gov/BOPH/enbanc.html.

DISCUSSION ITEMS

3. Regulation Package to Update Board Title, presented by Katie Riley, Senior Staff Counsel
4. Regulation Regarding Penal Code Section 3000.1 Hearings, presented by Katie Riley, Senior Staff Counsel

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OPEN COMMENTS

5. BPH Commissioners - Agenda Items for Future Meetings
6. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

CLOSED SESSION – EN BANC CASES

Pursuant to Government Code section 11126(c)(4)

("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, March 18, 2013**

Meeting called to order at 1:05 pm

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Ferguson, Figueroa, Garner, Labahn, Fritz, Montes, Peck, Roberts, Singh, Turner, and Zarrinnam present.

Comm. ANDERSON announced the Best Practices Advisory Committee will meet at 3:00 p.m. today; the executive board will meet again in closed session at 9:00 a.m. tomorrow; and then reconvene in open session at 10:00 a.m.

Comments and clarifications regarding meeting minutes: None

Lifer Hearing Backlog Report: The backlog report is now posted online each month, along with the agenda.

Public Comment on Consent Calendar: None

Motion: Comm. PECK moved to approve the consent calendar and was seconded by Comm. MONTES. The motion passed unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer Jennifer Shaffer

In order to allow sufficient time to schedule subsequent parole suitability hearings following a parole reversal by the Governor, and to enable all participants reasonable time to prepare for the subsequent hearing, a memorandum was recently issued directing the Scheduling Unit to set the subsequent hearings 18 months after the previous hearing following a Governor's reversal.

Exec. Officer SHAFFER introduced two new employees of the board: Parole Administrator LIZ ALLEN and Staff Attorney MINA CHOI.

Report from Chief Counsel Howard Moseley

Chief Counsel MOSELEY asked to table the discussion regarding transitional housing programs until the April meeting.

Staff Attorney CHOI reported on AB 1593, which was enacted on January 1, 2013, concerning intimate partner battering (IPB). Pursuant to the new law, parole panels must give "great weight" to IPB evidence

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and IPB evidence may not be used to support a finding that the inmate lacks insight or minimizes responsibility.

Overview of Intimate Partner Battering by Dr. Nancy Kaser-Boyd, Ph.D, Professor, UCLA

Dr. KASER-BOYD described her qualifications as an IPB expert, including her experience testifying as a witness called by both prosecution and defense counsel. Dr. KASER-BOYD emphasized that there is no “typical” IPB inmate profile, although most are women and have experienced physical or sexual abuse as a child. The batterers, on the other hand, usually grew up seeing their mothers battered, have poor anger management skills, experience severe jealousy, lack empathy and have a sense of male entitlement.

Comm. FRITZ asked about the type of programming that would help IPB inmates work through these issues. Dr. KASER-BOYD said self-help groups, including correspondence courses, can help these inmates better understand their own circumstances.

Comm. FRITZ asked about the type of programming available to IPB inmates. Dr. KASER-BOYD said that anger management courses are available but often lack depth.

Comm.. ANDERSON asked about the effect of cultural influences. Dr. KASER-BOYD said some cultures emphasize the primacy of the male role in society which can lead to a tolerance of domestic violence and a lack of family and community support for women.

Comm. ZARRINNAM asked what kind of questions would be pertinent to ask a batterer at a parole hearing. Dr. KASER-BOYD said that a starting point might be to ask why the inmate believes he battered his victims.

Comm. MONTES asked how often males are victims of battering. Dr. KASER-BOYD estimated that 5% of victims are male. While there are violent women, female abuse usually takes the form of threats, such as denying contact with children. Dr. KASER-BOYD recommended the same anger management programs for women as for men. Comm. MONTES suggested parenting programs; Dr. KASER-BOYD agreed.

Exec. Officer SHAFFER asked what approach commissioners should take at parole hearings involving IPB inmates. Dr. KASER-BOYD recommended commissioners be aware that female inmates might have some residual fear of male commissioners.

Chief Counsel MOSELEY stated that part of the Legal Division’s role is to review parole hearing transcripts. He asked whether Dr. KASER-BOYD could identify the types of responses an IPB inmate might make on the record that would be relevant to the question of insight. Dr. KASER-BOYD stated that the inmate should be able to articulate how he or she is different now; whether he or she can recognize an abusive relationship; and what appropriate steps he or she would take to get out of that kind of relationship.

Comm. ANDERSON thanked Dr. KASER-BOYD for her presentation.

OPEN COMMENTS

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Agenda Items for Future Meetings: None suggested

Public Comments

VANESSA NELSON-SLOANE of Life Support Alliance referred to a report on the demoralizing effect on inmates of lengthy parole denials.

HEIDI RUMMEL of the Post-Conviction Project thanked the Board and Dr. KASER-BOYD for the IPB presentation.

Meeting recessed at 2:40 p.m.

Meeting reconvened on Tuesday, March 19, 2013, at 10:04 a.m.

Roll Call: Commissioners Anderson, Ferguson, Figueroa, Garner, Labahn, Fritz, Montes, Peck, Roberts, Singh, Turner, and Zarrinnam present.

Comm. ANDERSON stated that the Board would consider public comment regarding the en banc hearings first.

EN BANC HEARINGS

Recall and Referral for Re-sentencing: Penal Code section 1170(e)

A. CLEVELAND, MONIQUE W-49683

ALEXIS de la GARZA, Los Angeles County District Attorney's Office, expressed concern that she was not provided information about the inmate's medical condition. She referred to the inmate's criminal history, history of substance abuse and continued gang involvement in prison. She asked the Board to take such factors into account when determining if the inmate is still a risk to public safety.

B. LIMJOCO, AGAPITO P-04713

No public comments.

C. PENDERGRASS, ERNEST C67782

DONNA McCLELLAND, inmate's daughter, supported recall of sentence on behalf of his family.

MARC NORTON, inmate's attorney, supported recall of sentence.

JILL KLINGE, Sonoma County District Attorney's Office, opposed recall of sentence.

Referral by Chief Counsel: California Code of Regulations, Title 15, section 2042

D. GALLO, JERRY H-14073

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No public comments.

E. VILLANUEVA, MIGUEL H-49644

CRUZ MAGALLEN and ANTONIA PRECINDO, inmate's cousins, supported release.

VICTOR PERRELLA, ELIZABETH BUCHEN, JACK LIEBERMAN, EDWARD CLAPP and JOHN KELLY, San Quentin volunteers, supported release.

ANGIE NARANJO, RUBIE VILLANUEVA and ANTHONY AYALA, inmate's sisters, supported release.

JUAN NARANJO and ERNESTO GURROLA, inmate's brothers-in-law, supported release.

AURELIA AYALA, inmate's mother, supported release.

CAROL STANTON and MICHELL KUO, San Quentin teachers, supported release.

KEITH WATTLEY, inmate's attorney, supported release.

Referral by the Governor for Review of Pardon Application: Penal Code section 4802

F. MARTINEZ, MARYANN

ALEXIS de la GARZA, Los Angeles County District Attorney's Office, opposed the application.

PRESENTATION

"What We Know About General and Violent Recidivism," presented by Dr. JASMINE TEHRANI, Senior Psychologist

Meeting adjourned for closed session at 12:45 p.m.

Meeting reconvened in open session at 2:15 p.m.

Roll call: Commissioners Labahn, Turner, and Zarrinnam not present; all other commissioners present.

PRESENTATION

"Guiding Rage Into Power" Program, presented by JACQUES VERDUIN, JENNIFER LYON and PATRICK MIMMS

Comm. ANDERSON noted that Comm. TURNER returned during the presentation.

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Comm. ANDERSON asked how the program is funded. Mr. VERDUIN replied that the program is a non-profit and there is a network of private individuals who fund the program.

Comm. PECK asked how many men are in the group and what is the ideal number of participants. Mr. VERDUIN replied that there are 34 in the group but half that number would be better.

Comm. FRITZ questioned how much of the program deals with domestic violence. Mr. VERDUIN replied that it is about 30%.

Mr. VERDUIN commented that inmates do not receive a facilitators certificate without participating in the program for another year.

Comm. MONTES asked about the course structure and the number of hours a week inmates are involved in it. Mr. VERDUIN explained that the course addresses the six steps that lead to a violent act (three fear moments and three decision moments) over the course of a year, during which time inmates attend for two hours a week and are asked to practice each lesson throughout the week.

Comm. ANDERSON asked Mr. MIMMS how he has adjusted to life after his release from prison. Mr. MIMMS said that he has relied on all of the resources available to him and on his support network.

Mr. VERDUIN stated that a work book for the program is about 70% complete.

Comm. TURNER asked whether the program addresses sex crimes. Mr. VERDUIN said that was outside the scope of the program.

DISCUSSION ITEMS

Administrative Directive 2013-02, "Managing Parole Hearings, Including Oral Statements Made by Counsel in Closing," presented by Staff Attorney JEROME HESSICK

Staff Counsel HESSICK explained that commissioners are required to consider all relevant and reliable information presented at parole hearings but that unnecessary, irrelevant or cumulative information may be limited.

Comm. FRITZ asked whether the administrative directive would limit testimony. Staff Counsel HESSICK confirmed that testimony would not be limited under this administrative directive.

Chief Counsel MOSELEY added that another purpose of the administrative directive is to ensure uniform and consistent management of parole hearings, including any time limitations commissioners may impose on closing statements by counsel.

Comm. GARNER asked Chief Counsel MOSELEY whether the administrative directive requires the imposition of a time limit on closing statements by counsel. Chief Counsel MOSELEY responded that imposition of a time limit is not required, but if a time limit is imposed then it must take into consideration the complexity of the individual case, notice must be provided, and the time limit must be enforced uniformly.

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Comm. FRITZ moved to approve the administrative directive and was seconded by Comm. FERGUSON. The motion was carried unanimously.

Administrative Directive 2013-03, "Requirements When Discussing Waivers, Stipulations, and Postponements With Inmates at Hearings," presented by Senior Staff Attorney KATIE RILEY

Senior Staff Counsel RILEY explained that all discussions between parole hearing panels and inmate regarding waivers, stipulations and postponements must be made on the record and the discussion should occur after an Americans-with-Disabilities-Act review has been conducted.

Comm. ANDERSON asked why it was necessary to put the discussions on the record. Chief Counsel MOSELEY stated that the requirement was imposed on the board by the court handling the *Rutherford* litigation.

Comm. GARNER moved to approve the administrative directive and was seconded by Comm. MONTES. The motion was carried unanimously.

OPEN COMMENTS

Future agenda items: None

Public Comments

HEIDI RUMMEL of the Post-Conviction Project thanked Dr. TEHRANI for her presentation.

EDITH CHANDLER, a former life prisoner, referred to a Stanford University study showing that former life prisoners perform well on parole.

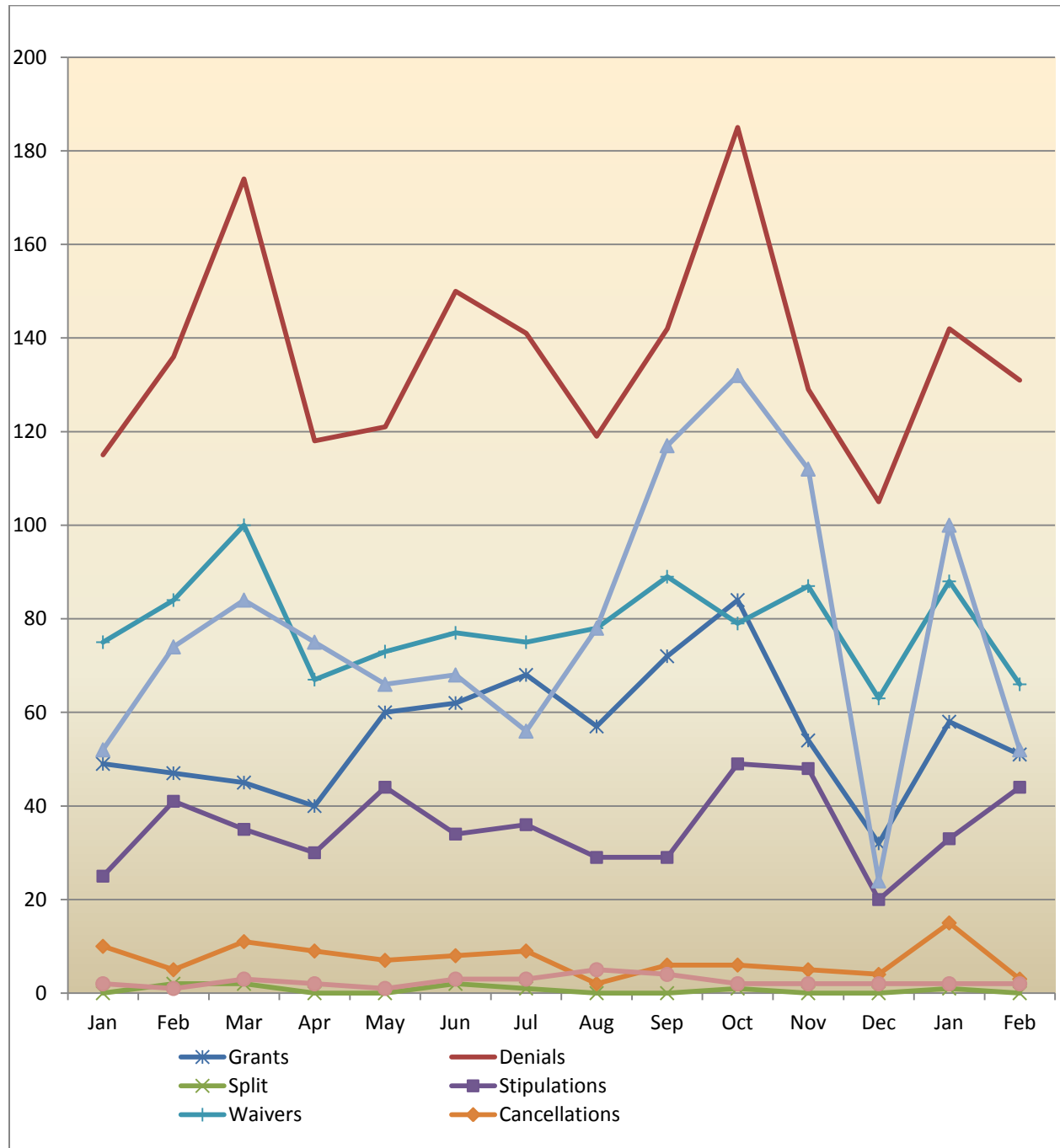
SUSAN BURTON, executive founder and director of A New Way of Life project, introduced former life inmates, ESPARANZA ALVAREZ, TIFFANY JOHNSON, NANNY WILKERSON and NORMA CAPLAN, who described their involvement with the project and their experiences after release from prison.

VANESSA NELSON-SLOAN of Life Support Alliance referred to a report on the suicide rate in California prisons. She said that mental health services in prison are inadequate and lengthy denials increase prisoners' despair.

Meeting adjourned at 3:44 pm

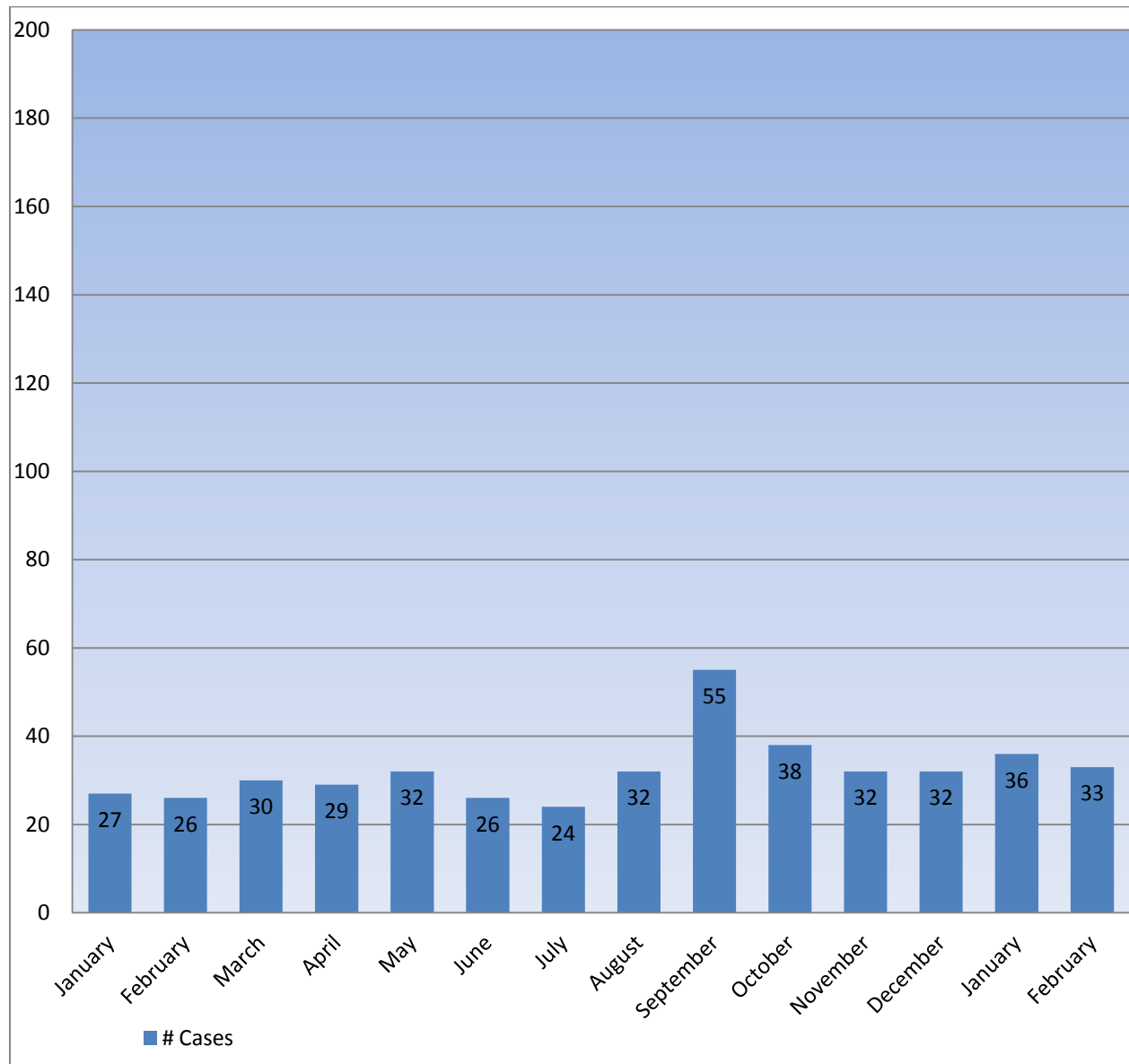
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PAROLE SUITABILITY HEARINGS
SUMMARY
JANUARY, 2012-FEBRUARY, 2013



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PENAL CODE SECTION 3041(d) REPORT
JANUARY, 2012-FEBRUARY, 2013





March, 25, 2013

Dear Commissioners,

Thank you once more for your time and interest in regards to our presentation of the GRIP Program at the BPH Boardroom last Tuesday, March 19, 2013.

The panel members (Jenny Lyon, victim; Pat Mims, former life-sentenced prisoner) and I appreciated your sincere attention as evidenced by the good questions that were posed at the end of the presentation.

We would like to invite you to visit the program and see it in action. For your visit, we would focus especially on the curriculum, to enable you to experience its theoretical framework.

Insight-Out is committed to making a contribution to the urgent need for substantial programming for prisoners and in particular for the thirty-thousand life-sentenced prisoners in California. Many have no access to the tools that allow them to develop the capacity for insight and impulse control that permit them to meet the criteria for a safe release.

Insight-Out's vision is to run the GRIP Program as a Standard Offender Accountability Program that would run in every state prison. Since the introduction of AB109, state prisons are primarily responsible for housing violent offenders. A program with a principal emphasis of the transformation of violent behavior should be available in every prison.

As a community-based organization we share in your concern for public safety. We wish to be actively involved and as such cultivate a more vibrant partnership between the Board and the community.

Rather than investing in keeping people in prison, we'd like to invest in keeping people from returning to prison. Our vision of "re-entry," starts inside the prison. We call our approach "new-entry" to connote the focus of our efforts in transforming the criminogenic needs of an offender. At its roots, the GRIP Program is about a change of heart, wherein an offender learns to see the possibility of living in a whole new way. The program is a trauma treatment-centered model which integrates the latest brain research and employs an evidence-based approach.

The intention of this letter is to invite you to come in and experience the program in action. The program runs three times each week at San Quentin, at the following times: TUE from 3 to 5pm; WED from 12:15 to 2:15pm; and FRI from 12:00 to 2:15pm. Please contact us for an appointment.

Sincerely,

Jacques Verduin, Director Insight-Out

P. O. Box 888 Woodacre, CA 94973 (415) 488-1348
WWW.INSIGHT-OUT.ORG JVERDUIN@COMCAST.NET

BOARD OF PAROLE HEARINGS
Correctional Rehabilitation Programs Advisory Committee Meeting
Tuesday, December 11, 2012

Meeting called to order at 1:35 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Figueroa, Labahn, Peck, Singh, and Montes (Chairperson) present.

Comments and Clarification Regarding Correctional Rehabilitation Programs Committee Advisory Meeting Minutes: September 18, 2012

Comm. LABAHN moved to approve the minutes which Comm. PECK seconded. The motion was carried unanimously.

REPORTS

Report from Executive Officer Jennifer Shaffer: None

Report from Chief Counsel Howard Moseley

Senior Staff Attorney KATIE RILEY distributed a document outlining the committee's goals, as discussed at the September 18, 2012, meeting.

PRESENTATION

CDCR Deputy Director of Rehabilitative Programs, TANYA ROTHCHILD, described the department's enhanced focus on rehabilitative programs for lifers. Inmates will be clustered at 13 institutions during the year prior to their release. They may participate in academic, vocational, cognitive therapy, anger management, employment and transitional programming. The hubs will open in the summer of 2013. The Substance Abuse Treatment Program lasts 5 months and is available within 24 months of an inmate's release date. The department will ask incarcerated and released inmates for feedback. Academic opportunities have been increased by approximately 5,000 inmates. The department is working on programs dealing with gang management, is identifying cognitive programs that would be helpful in the step-down process, and is evaluating sex offender programs.

Comm. LABAHN asked Deputy Director ROTHCHILD whether inmates who have an immigration hold may participate in the Substance Abuse Program. Deputy Director ROTHCHILD replied that they would like to offer programs to everyone who has a need, but currently inmates who have an Immigration and Customs Enforcement hold are not on priority placement lists.

Comm. MONTES expressed concern about waiting lists for the Substance Abuse Program, stating that some inmates have complained about being on the waiting list for two years. Deputy Director ROTHCHILD said that she would look into it, but believed that the department can accommodate 70% of inmates prior to their release.

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Comm. MONTES asked how many inmates will be involved in the program. Deputy Director ROTHCHILD said that the number is not known at present, since the program is still in its development phase.

Public Comments

GAIL BROWN of Life Support Alliance stated that inmates are frustrated when programs are not available.

VANESSA NELSON-SLOAN of Life Support Alliance stated that inmates should be able to participate in the Substance Abuse Program sooner than 24 months before their release and that life term inmates with immigration holds are disadvantaged at hearings if they not able to participate in the program.

Comm. MONTES thanked Deputy Director ROTHCHILD for the presentation.

OPEN COMMENTS

Agenda Items for Future Meetings: None

Public Comments

VANESSA NELSON-SLOAN of Life Support Alliance stated that it would be beneficial if there were open training sessions on risk assessments and the use of confidential information in the future. Chief Counsel MOSELEY acknowledged the request and noted that there is an open session training presentation on risk assessments to be held Thursday.

Meeting adjourned at 2:12 p.m.

State of California

Department of Corrections and Rehabilitation

Memorandum

BOARD OF PAROLE HEARINGS
1515 K Street, 6th Floor
Sacramento, CA 95814

Date: January 28, 2013

To: Commissioners Dan Figueroa, Peter LaBahn, John Peck, and Amarik Singh
Members, Rehabilitation Advisory Committee

From: Commissioner Marisela Montes
Chair, Rehabilitation Advisory Committee

Subject: GOALS FOR THE REHABILITATION ADVISORY COMMITTEE

The following is a list of goals for the reformulated Rehabilitation Advisory Committee as discussed at the September 18, 2012 meeting of the committee, and confirmed at the December 11, 2012 meeting:

- Develop a process for routinely obtaining and providing information to Commissioners regarding rehabilitative programs available to life inmates, with an ultimate goal of developing a compendium of California Department of Corrections and Rehabilitation rehabilitative programs available to life inmates in prison, including a listing of such programs by prison facility and by yard.
- Provide training to Commissioners in accordance with the requirement of Penal Code section 5075.6(b)(2)(A) for annual training regarding “[t]reatment and training programs provided to inmates at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.”
- Determine what information regarding rehabilitation should be provided to life inmates early in their incarceration regarding parole suitability, including who should provide the information and how.
- Familiarize the Commissioners with community organizations that provide rehabilitative services to life inmates and review written materials made available by community organizations to life inmates.
- Create opportunities for Commissioners to visit residential programs available to life inmates on parole and report their observations to the Board.

Members of the committee are asked to direct any comments or suggestions to the Committee Chair, Commissioner Marisela Montes, or to Staff Attorney Katie Riley, both of whom look forward to facilitating the committee’s goals.

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**BOARD OF PAROLE HEARINGS
Training Advisory Committee Meeting
Wednesday, February 20, 2013**

Meeting called to order at 3:50 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Fritz, Garner, Turner, and Roberts (Chairperson) present.

**Comments and Clarification regarding Best Practices Advisory Committee Meeting
Minutes: November 14, 2012**

Comm. GARNER moved to approve the minutes, seconded by Comm. ANDERSON. The motion passed unanimously.

Public Comments: None

REPORTS

Report from Executive Officer Jennifer Shaffer

The next commissioner training conference will take place during the week of May 20, 2013.

Report from Chief Counsel Howard Moseley

At the conclusion of the December training conference all commissioners were given the opportunity to complete a survey about the training. The training conference was generally well received and most training topics were rated "satisfactory" or "excellent." Commissioners are encouraged to suggest training topics for the next training conference in May.

Report from Chairperson, Commissioner Roberts

Thus far, commissioners have suggested enough training topics to fill two-pages and Staff Attorney Jerome Hessick has drafted a tentative schedule for the May conference. Also, because the number of Penal Code section 3000.1 hearings has increased it is suggested that training be provided on that topic.

Comm. ROBERTS and Comm. GARNER discussed improving the amount of information available on all transitional housing options.

Chief Counsel MOSELEY stated that the top ten training topics requested by commissioners would be identified so they can be included in the May training conference agenda.

OPEN COMMENTS

Agenda Items for Future Meetings

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Comm. FRITZ asked for training on how to set parole release dates for cases involving conspiracy to commit murder.

Chief Counsel MOSELEY distributed a draft document describing the goals for the training committee.

Public Comments

VANESSA NELSON SLOAN of Life Support Alliance suggested open session training regarding the Forensic Assessment Division and the use of confidential files at parole suitability hearings.

Meeting adjourned at 4:00 p.m.

MAY 2013 – Training Week – Anticipated Training Topics

1. Peer Review Report on Risk Assessment Tools
2. Term Calculations
3. Medical Placement Hearings
4. Rescission Hearings
5. Interstate Compact Investigations
6. Parole Suitability Hearing Exhibits
7. Intake and Court Services
8. Inmate Therapy/Programs
9. Attorney General's Office – Case Updates/Training
10. Risk Assessments
11. Intimate Partner Battering
12. Petition to Advance Process, Post *Vicks*
13. ICE Holds
14. Victim Awareness Training
15. Self-Help programs at CCWF
16. 3000.1 Hearings After Realignment

5/20 - Monday	5/21 - Tuesday	5/22 - Wednesday	5/23 - Thursday	5/24 - Friday
TRAVEL	9:00 Executive Board Meetings	9:00 OPEN Session Public Comment	9:00 OPEN Session Public Comment	9:00 CLOSED Session
Lunch	Lunch	Lunch	Lunch	Lunch
1:00 OPEN Session Best Practices Committee Public Comment	1:30	1:30 OPEN Session Public Comments	1:30 CLOSED Session	TRAVEL

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**CHANGES WITHOUT REGULATORY EFFECT
STATEMENT OF REASONS**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PAROLE HEARINGS ~~PRISON TERMS~~
CHAPTER 1. GENERAL
ARTICLE 1. RULES OF CONSTRUCTION AND DEFINITIONS**

Amendment of Title of Division 2

The Board of Parole Hearings (BPH) (formerly known as the Board of Prison Terms) proposes to change the name of Division 2 of the California Code of Regulations, Title 15 from the “Board of Prison Terms” to the “Board of Parole Hearings”. This action is a change without regulatory effect.

Specific Modification to Regulation

The Board of Parole Hearings makes the following proposed amendment to regulation:

Division 2. Board of Parole Hearings ~~Prison Terms~~

Background

In 2005, Governor Arnold Schwarzenegger introduced a plan to reorganize the various boards and agencies associated with the former Youth and Adult Correctional Agency, which was comprised of the former Department of Corrections, the former Department of the Youth Authority, the former Board of Prison Terms, the former Board of Corrections, the former Youth Authority Board, and the former Narcotic Addict Evaluation Authority. The Governor’s Reorganization Plan No. 1 (2005-2006 Reg. Sess.) was presented to the Legislature on February 22, 2005, and pursuant to Government Code section 12080.5, became effective 60 days later on May 5, 2005. The operative date of statutory changes made by the Governor’s Reorganization Plan was July 1, 2005.

In addition to consolidating some of the boards and agencies, the Governor’s Reorganization Plan changed the names of the boards and agencies. The Governor’s Reorganization Plan amended Penal Code section 5075, subdivision (a) to read:

Commencing July 1, 2005, there is hereby created the Board of Parole Hearings. As of July 1, 2005, any reference to the Board of Prison Terms by this or any other code refers to the Board of Parole Hearings. As of that date, the Board of Prison Terms is abolished.

Since July 1, 2005, the Board of Parole Hearings has used this new title whenever referring to its name, including in written documents and verbal statements. This includes reference to the Board of Parole Hearings in regulatory changes made after July 1, 2005.

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Discussion

The Board of Parole Hearings proposes to change the name of Division 2 of the California Code of Regulations, Title 15 from the “Board of Prison Terms” to the “Board of Parole Hearings”. This action is a change without regulatory effect. The current name of Division 2 of the California Code of Regulations, Title 15 is inconsistent with and superseded by Penal Code section 5075, subdivision (a). Additionally, the Board of Parole Hearings has no discretion to not implement Penal Code section 5075, subdivision (a). Penal Code section 5075, subdivision (a) is clear and unambiguous that the Board of Parole Hearings is to be called the Board of Parole Hearings, and that all references to the former Board of Prison Terms now refer to the Board of Parole Hearings. This change of the name of Division 2 of the California Code of Regulations, Title 15, is merely a change to the structure of the regulations division and does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element. This is most clearly evidenced by the language of Penal Code section 5075, subdivision (a) that “any reference to the Board of Prison Terms by this or any other code refers to the Board of Parole Hearings,” making it clear that the two names for the Board of Parole Hearings are synonymous for all legal purposes. Changing the name of Division 2 of the California Code of Regulations, Title 15 will simply make the Division consistent with the Penal Code and will provide better clarity to the public when seeing references to the Board of Parole Hearings.

Additional Findings

The Board of Parole Hearings has determined this action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the Board’s initial determination.

The Board of Parole Hearings has determined this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement to Part 7 (Section 17561) of Division 4 of the Government Code.

The Board of Parole Hearings has determined that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected private persons than the action proposed.

The Board of Parole Hearings, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

**AMENDED PROPOSED REGULATORY TEXT
CHANGES WITHOUT REGULATORY EFFECT**

Proposed additions are indicated by underline and deletions are indicated by ~~striketrough~~.

**TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PAROLE HEARINGS ~~PRISON TERMS~~
CHAPTER 1. GENERAL
ARTICLE 1. RULES OF CONSTRUCTION AND DEFINITIONS**

15 CCR § 2000 to read as follows:

§ 2000. Rules of Construction and Definitions.

(a) Rules of Construction. The following rules of construction apply to the regulations contained in this division, except as otherwise noted:

- (1) The enumeration of some criteria for the making of discretionary decisions does not prohibit the application of other criteria reasonably related to the decision being made.
- (2) The order in which criteria are listed does not indicate their relative weight or importance.
- (3) “Inmate,” “prisoner,” or “parolee” applies to any person who is or has been committed to the custody of the Director of Corrections, including inmates, residents, parolees, and discharges, regardless of that person's present status.
- (4) “Regulation” means rule or regulation.
- (5) “Shall” is mandatory, “should” is advisory, and “may” is permissive.
- (6) The past, present, or future tense includes the others.
- (7) The masculine gender includes the feminine gender; the singular includes the plural.
- (8) The symbol § refers only to board rules contained in this division.
- (9) The time limits specified in these rules do not create a right to have the specified action taken within the time limits. The time limits are directory, and the failure to meet them does not preclude taking the specified action beyond the time limits.

(b) Definitions. For the purpose of the regulations contained in this division the definitions below shall have the following meanings:

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PROPOSED REGULATORY TEXT

Proposed additions are indicated by underline and deletions are indicated by ~~striketrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. ~~BOARD OF PRISON TERMS~~ BOARD OF PAROLE HEARINGS
CHAPTER 3. PAROLE RELEASE

ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and NONLIFE
1168 PRISONERS

15 CCR § 2275 to read as follows:

(a) General. As required by Penal Code section 3000.1, when parole is revoked for any prisoner sentenced under Penal Code section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the prisoner shall be given a hearing as provided in Penal Code sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole to consider the release of the inmate on parole.

(b) Panel. This hearing shall be conducted by a two person panel comprised of one commissioner and one deputy commissioner.

(c) Disposition. At this hearing, the panel shall release the prisoner within one year of the date of the revocation, unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration, or unless there is a new prison commitment following a conviction. If the panel concludes that a more lengthy period of incarceration is warranted, then notwithstanding the provisions of paragraph (2) of subdivision (b) of section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is otherwise ineligible for parole release.

(d) Application. This section shall only apply to parolees who have a pending adjudication for a parole violation on July 1, 2013, and to revocation proceedings conducted by the Board of Parole Hearings prior to July 1, 2013, if reopened on or after July 1, 2013. This section shall remain in effect until June 30, 2014, and as of that date is repealed.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3000.08(j), 3052 and 5076.2, Penal Code. Reference: Section 3000.1, Penal Code.

PROPOSED REGULATORY TEXT

Proposed additions are indicated by underline and deletions are indicated by ~~strikethrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. ~~BOARD OF PRISON TERMS~~ BOARD OF PAROLE HEARINGS
CHAPTER 3. PAROLE RELEASE
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and NONLIFE
1168 PRISONERS

Introduction of 15 CCR § 2276 to read as follows:

§ 2276. Penal Code 3000.1 Proceedings.

(a) General. Penal Code section 3000.08(h) provides that persons on parole for specified crimes, who following a lawful determination that the person has committed a violation of law or violated his or her conditions of parole, shall be remanded to the custody of the Department of Corrections and Rehabilitation and remanded to the jurisdiction of the Board of the Parole Hearings for future parole consideration. Parolees who are subject to remand upon a lawful determination are specified as follows: a) parolees convicted of crimes listed in Penal Code section 3000(b)(4) where the crime was committed on or after September 9, 2010; b) parolees convicted of crimes listed in Penal Code section 3000.1(a)(1) where the crime was committed on or after January 1, 1983; and c) parolees convicted of crimes listed in Penal Code section 3000.1(a)(2) where the crime was committed on or after September 9, 2010. These Board of Parole hearings are collectively referred to as Penal Code section 3000.1 proceedings.

(b) Lawful Determination. Parole violation charges are adjudicated by the court in accordance with Penal Code section 1203.2, or by another lawful authority for multijurisdiction parolees. Upon the lawful determination that a parolee has committed a violation of law or violated a condition of parole, the matter is remanded to the Board of Parole Hearings for a Penal Code section 3000.1 initial hearing.

(c) Penal Code section 3000.1 initial hearings. A Penal Code section 3000.1 initial hearing shall be held by the Board of Parole Hearings on the next available calendar, but no later than 12 months following a lawful determination that a parolee has committed a violation of law or violation of condition of parole. At a Penal Code section 3000.1 initial hearing, the Board shall consider the violation of law or violation of condition of parole in the context of the parolee's history and all relevant suitability factors of California Code of Regulations, title 15, section 2402. The Board shall not retry the evidentiary findings of the court or other lawful authority. The Board shall grant parole unless it determines that the circumstances and gravity of the violation of law or violation of condition of parole are such that consideration of the public safety requires a more lengthy period of incarceration.

(d) Penal Code section 3000.1 annual parole consideration hearings. Within one year of a Penal Code section 3000.1 initial hearing, parolees who do not have a parole grant and who are not otherwise ineligible for release shall receive a Penal Code section 3000.1 annual parole consideration hearing. At a Penal Code section 3000.1 annual parole consideration hearing, the Board shall grant parole in accordance with Penal Code section 3041 and California Code of Regulations, title 15, section 2402. A parolee who does not have a parole grant and who is not otherwise ineligible for release shall continue to

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receive Penal Code section 3000.1 annual parole consideration hearings each year until he or she receives a parole grant.

(1) Ineligible for Release. For purposes of Penal Code section 3000.1 proceedings, a parolee is ineligible for release if the parolee is serving a separate indeterminate term, or until the parolee reaches the third year prior to his or her earliest possible release date while serving a separate determinate term, or the parolee is incarcerated under other similar circumstances.

(2) Earliest Possible Release Date. The earliest possible release date is calculated by the California Department of Corrections and Rehabilitation. Using the inmate's maximum release date, it is a calculation of the earliest date the inmate could be released, accounting for all of the credits earned and lost by the inmate, and including a projection of the inmate continuing to earn credits until released.

(e) Parole Grant. A parole grant at a Penal Code section 3000.1 proceeding is a finding by the Board the parolee is eligible for release. Despite a parole grant, the parolee may continue to be incarcerated if serving a separate sentence or if subject to the jurisdiction of another authority.

(f) Notice. Prior to any Penal Code section 3000.1 proceeding, notices shall be sent pursuant to Penal Code sections 3041.7 and 3043 to parties related to the life crime, or related to other crimes for which the parolee has been convicted as defined in Penal Code section 3043(a). No notices are required pursuant to Penal Code section 3042.

(g) Hearing Rights. At Penal Code section 3000.1 proceedings, the parolee shall be provided all hearing rights in accordance with Penal Code section 3041.5, with the exception of subdivisions (b)(3) and (d), and shall be provided all hearing rights in accordance with Penal Code section 3041.7, and California Code of Regulations, title 15, sections 2245 through 2256, or section 2367 for multijurisdiction parolees, as relevant.

(h) Hearing Panel. Penal Code section 3000.1 proceedings shall be heard by a panel of two or more commissioners or deputy commissioners, of which no more than one may be a deputy commissioner. En banc referrals shall be conducted in accordance with Penal Code section 3041.

(i) Review of Decision. Proposed decisions at Penal Code section 3000.1 proceedings are subject to decision review pursuant to California Code of Regulations, title 15, section 2041(h). Decisions are subject to the Governor's review pursuant to Penal Code sections 3041.1 and 3041.2.

(j) Parole Discharge. For purposes of a parolee's discharge from parole, a lawful determination that a parolee has committed a violation of law or violation of condition of parole shall be considered an interruption in parole for purposes of Penal Code sections 3000(b)(4), 3000.1(b), and 3001.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3000(b)(4), 3000.1, 3052 and 5076.2, Penal Code. Reference: Sections 1203.2, 3000(b)(4), 3000.08(h), 3000.1, 3001, 3041.7, 3041, 3041.1, 3041.2, and 3043, Penal Code; and Sections 2041(h) and 2402, California Code of Regulations, Title 15.

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